



PATENT
Attorney Docket 051530-5003-05

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent of: **Harald Sontheimer et al.**

Application No. **08/980,395**

Filed: **November 28, 1997**

For: **Novel Method of Diagnosing &
Treating Gliomas**

Examiner: **Sheela Huff**

Group Art Unit: **1642**

SUPPLEMENTAL AMENDMENT

In response to the Office Action dated February 5, 2002 (Paper No. 31), the period for response having been further extended by one additional month from January 24, 2002 to February 24, 2002, please amend the above-referenced application as follows:

In the claims

Please cancel claims 28-35, 37 & 39 without prejudice or disclaimer of Applicants' right to file divisional applications containing the subject matter of these claims.

Remarks

Claims 28 and 30-31 were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1 and 3 of U.S. Patent 6,028,174. In response to this rejection, Applicants have cancelled claims 28-35, 37 & 39 and respectfully submit that the rejection based on the judicially created doctrine of obviousness-type double patenting is moot and should be withdrawn.

Conclusion

The foregoing amendments and remarks are being made to place the application in condition for allowance. Applicants respectfully request reconsideration and the timely allowance of the pending claims. A favorable action is awaited. Should the Examiner find that an interview would be helpful to further prosecution of this application, she is invited to telephone the undersigned at her convenience.

RECEIVED
FEB 26 2002
TECH CENTER 160012

#321
KD
3402

RECEIVED

FEB 25 2002

TC 1700

OK
3/7/02